

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

JOAN M. WETTEROFF,)	
)	
Plaintiff,)	
)	
vs.)	Cause No. 4:17-cv-1435
)	
WERNER ENTERPRISES, INC.,)	
)	
<u>Serve:</u> National Registered)	
Agents, Inc.)	
120 South Central Ave.)	
Clayton, MO 63105)	
)	JURY TRIAL DEMANDED
and,)	
)	
STEVE DAMEUS,)	
)	
<u>Serve:</u> Steve Dameus)	
404 Brookridge Dr., #C)	
Salisbury, MD 21804)	
)	
Defendants.)	

COMPLAINT

Plaintiff Joan M. Wetteroff, through counsel, Richard J. Zalasky, Joseph A. Ott, and Brown & Crouppen, P.C., states as follows for her Complaint against Defendants Werner Enterprises, Inc., and Steve Dameus:

Preliminary Statement

1. This action seeks compensatory damages for acute injuries including, but not limited to, a broken back, suffered by Plaintiff Joan M. Wetteroff in a two-vehicle crash on April 6, 2017. On that date while travelling westbound on Interstate 44 in St. Clair, Missouri her car was struck by a 2015 KW tractor-trailer being operated by Steve Dameus (“Dameus”), an agent and servant of Defendant Werner Enterprise, Inc. (“Werner”).

Parties

2. Plaintiff Joan M. Wetteroff (“Wetteroff”) is a citizen and resident of the State of Missouri.

3. Defendant Werner is a foreign corporation with principal place of business in the State of Nebraska that conducts business in the State of Missouri and other states as an interstate motor carrier subject to Federal Motor Carrier Safety Regulations promulgated by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

4. Defendant Dameus is a citizen and resident of the State of Maryland.

Jurisdiction and Venue

5. Wetteroff invokes the jurisdiction of this Court pursuant to 28 U.S.C. 1332 based upon diversity of the parties. The amount in controversy exceeds the sum of \$75,000.00. Venue exists in this District pursuant to 28 U.S.C. 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District.

Cause of Action

6. On April 6, 2017, Wetteroff was operating a 1990 Chevrolet Lumina westbound in the slow lane on Interstate 44 in St. Clair, Missouri, which is located in Franklin County.

7. At that time, Dameus was operating a 2015 KW tractor-trailer with a gross vehicle weight in excess of 26,001 lbs. westbound in the fast lane on Interstate 44.

8. As Wetteroff continued westbound in the slow lane, Dameus attempted to change lanes into the slow lane, and in doing so struck Wetteroff’s vehicle in the front left windshield/fender area, causing her to lose control of her vehicle.

9. As a result of the impact, Wetteroff’s vehicle spun several times; was struck by the trailer again; ran off the side of the road; struck the cable median; and flipped over.

10. This vehicle wreck was the direct result of the negligence of the Defendants, individually or in combination, in one or more of the following respects:

- a) Dameus drove at a speed in excess of the posted speed limit constituting negligence *per se*;
- b) Dameus failed to keep a careful lookout;
- c) Dameus drove at a speed that was too fast for conditions;
- d) Dameus knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped, or swerved, but failed to do so;
- e) Dameus operated the tractor-trailer while in a fatigued state in violation of Federal Motor Carrier Safety Regulations;
- f) Defendant Werner employed Dameus when it knew or could have known that he was not reasonably fit to safely operate a tractor-trailer; and
- g) Dameus failed to keep his tractor-trailer in his proper lane of travel.

11. As a direct result of the conduct of the Defendants in one or more of these respects, Wetteroff suffered physical injuries to her face, head, neck, and back which have required medical treatment; she has suffered pain of the mind and body and will continue to suffer significant pain of mind and body permanently; she has sought and received medical care and attention and will continue to receive medical care and attention; she has incurred medical expenses and will continue to incur medical expenses; she has suffered significant disability and will continue to suffer significant disability permanently; all of which entitle her to damages from the Defendants.

ACCORDINGLY, Plaintiff Joan M. Wetteroff requests that judgment be entered against Defendants Werner Enterprises, Inc., and Steve Dameus in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) for actual damages, plus costs.

BROWN & CROUPPEN, P.C.

/s/Richard J. Zalasky

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